

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY D. WILLIAMS,

Defendant.

Case No. 06-cr-40029-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Larry Williams's *pro se* Motion to Appoint Counsel (Doc. 501). Specifically, Williams seeks the appointment of counsel to assist in preparation of claims that he intends to file under 28 U.S.C. § 2255.

Petitioners under § 2255 have no constitutional right under the Sixth Amendment to representation because such proceedings “are not a part of an original criminal action but are an independent and collateral inquiry into the validity of the conviction.” *United States v. Caufield*, 207 F.2d 278, 280 (7th Cir. 1953). With this in mind, “[i]t is firmly established that a request for counsel in proceedings under [§] 2255 is addressed to the sound discretion of the trial court.” *McCartney v. U.S.*, 311 F.2d 475, 476 (7th Cir. 1963). However, even this deference is premised on the initial filing of a § 2255 petition. Here, Williams has yet to file a petition under § 2255; as such, the Court sees no reason to appoint counsel at this time.

Due to the foregoing reasons, the Court **DENIES** the instant motion (Doc. 501).

IT IS SO ORDERED.

DATED: December 7, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE